



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/1/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Winston Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, December 14, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: David Van Dermark, City of Winston
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Lisa Hawley, Douglas County
Steve Lucker, DLCD
Denise Atkinson, FEMA

<paa> YA

Notice of Adoption

NOV 24 2009

**LAND CONSERVATION
AND DEVELOPMENT**
For DLCD Use Only

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **City of Winston**

Local file number: **N/A**

Date of Adoption: **11/16/2009**

Date Mailed: **11/23/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **7/22/2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to Winston Zoning Ordinance and Subdivision Ordinance are essentially the same as originally proposed on 7/22/09, with some minor corrections to the revised floodplain standards. At City Council workshop on 10/09/09, City Council made several minor text revisions, which (1) modified definition of Accessory Residential Dwelling Unit to clarify the dwelling unit can either be attached or detached; (2) clarified performance bonding mechanisms (types of security) for planned unit developments and land divisions; (3) clarified provision for "guest accommodation"; and (4) clarified re-submittal period for denied applications. No other changes proposed or adopted.

Does the Adoption differ from proposal? Please select one

Yes, adoption draft differs from first proposal, based on several minor text revisions from City Council Workshop on October 9, 2009. See above summary of changes.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Winston Dillard Water District, Winston Dillard Fire Department, Winston Dillard School District, Douglas County Planning & Public Works, Douglas County Building Department, ODOT, Umpqua Transit, Deputy Fire Marshal, and Traffic Safety Committee

Local Contact: **David Van Dermark & Lisa Hawley** Phone: (541) 679-6739 Extension: 206
Address: **201 NW Douglas Blvd** Fax Number: 541-679-0794
City: **Winston** Zip: **97476-** E-mail Address: **davidvandermark@yahoo.com**
& **lahawley@co.douglas.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist.**

ORDINANCE NO. 639

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF WINSTON ZONING ORDINANCE AND CITY OF WINSTON SUBDIVISION ORDINANCE

Whereas, the City of Winston Planning Commission held three workshops between May 13, 2009 and July 8, 2009, and whereas a public hearing was held on September 9, 2009, and whereas the Winston City Council held a workshop on October 9, 2009, and whereas one public hearing was held on October 19, 2009 before the City Council to consider the following proposed legislative amendments:

- Legislative amendments to the Zoning Ordinance include: add cross reference for Zoning Ordinance & Subdivision Ordinance in each ordinance; modify definitions of accessory residential dwelling unit & guest house; correct references & citations in the PUD criteria and add letter of credit as third option for bonding mechanism; clarify Steep Slope Overlay language; clarify standards for access driveways and underground utilities; duplicate access requirements from the Comprehensive Plan; clarify height of fences & walls in street side yard area; clarify the coordination role of state and federal permits in development; update and modify floodplain development standards; clarify resubmittal period for denied applications and approval periods for certain land use applications; clarify appeals of administrative decisions & reviews by City Council.
- Legislative amendments to the Subdivision Ordinance include: clarify that both the Zoning and Subdivision Ordinances apply to a division of land; that requirements of the Steep Slope Overlay also apply in hazardous area defined in the Subdivision Ordinance; clarify requirements for extensions of land use actions, reviews of final plats and improvement standards for cul-de-sacs.

Whereas, Amendments to the City of Winston Zoning Ordinance and Subdivision Ordinance are needed to clarify, streamline, deregulate, add new regulations and/or improve these ordinances for the City of Winston.

Whereas, on September 9, 2009, the Planning Commission held a public hearing and recommended that the amendments be adopted by the City Council.

NOW THEREFORE, THE CITY OF WINSTON ORDAINS AS FOLLOWS:

SECTION ONE: FINDINGS OF FACT

- A. The Winston Planning Commission conducted three workshops on the proposed legislative amendments to the Zoning Ordinance and Subdivision Ordinance between May 13, 2009 and July 8, 2009.
- B. A public hearing on the proposed legislative amendments to the Zoning Ordinance text and Subdivision Ordinance text was held before the Planning Commission on September 9, 2009.

- C. The Planning Commission forwarded a recommendation to City Council to adopt the proposed legislative amendments.
- D. A City Council conducted a workshop on the proposed legislative amendments on October 9, 2009.
- E. The City Council accepted the recommendation of the Planning Commission initially with minor modifications: (1) modified the definition of Accessory Residential Dwelling Unit so the dwelling unit can either be attached or detached; (2) clarified the performance bonding mechanisms (securities) for planned unit developments and land divisions and the City's review process; (3) clarified the provision for guest accommodation; and (4) clarified the re-submittal period for denied applications.
- F. A public hearing on the proposed legislative amendments to the Zoning Ordinance text and Subdivision Ordinance text was held before the City Council on October 19, 2009.

SECTION TWO: AMENDING ZONING ORDINANCE TEXT AND SUBDIVISION ORDINANCE TEXT.

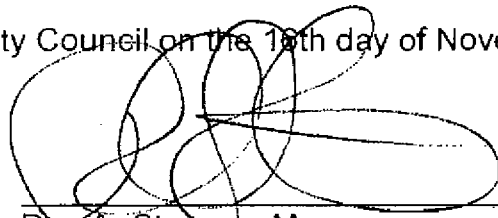
The amendments to the Winston Zoning Ordinance Text, and Winston Subdivision Ordinance Text are hereby attached to this ordinance and identified as Exhibit A, Adoption Draft dated November 2, 2009, and by this reference made part of this ordinance.

SECTION THREE: EFFECT OF AMENDMENT

Ordinance Nos. 590 (Winston Zoning Ordinance) and 591 (Winston Subdivision Ordinance) heretofore and herein amended; remain in full force and effect.

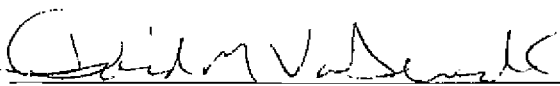
First reading before the City Council on the 2nd day of November, 2009.

Second reading and adoption by the City Council on the 18th day of November, 2009.



Rex A. Stevens, Mayor

ATTEST:



David Van Dermark, City Administrator

EXHIBIT A
2009 LEGISLATIVE
AMENDMENTS TO THE

CITY OF WINSTON
ZONING ORDINANCE

&

CITY OF WINSTON
SUBDIVISION ORDINANCE

ADOPTION DRAFT
November 16, 2009

PLANNING COMMISSION

Workshop May 13, 2009
Workshop June 10, 2009
Workshop July 8, 2009
Hearing September 9, 2009

CITY COUNCIL

Council Workshop October 9, 2009
Council Hearing October 19, 2009
Council First Reading November 2, 2009
Council Second Reading November 16, 2009

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LEGEND

Deletion	Deletion is marked with strike out function
Addition	<u>Addition</u> is marked with bold and underline
Comments	<i>Comments are provided in italics</i>

**ZONING
ORDINANCE
AMENDMENTS**

WINSTON ZONING ORDINANCE AMENDMENTS

1. Article 2, Cross Reference Subdivision & Zoning Ordinances

Purpose of Amendment: To add cross reference to Subdivision Ordinance in Section 2.040 of Zoning Ordinance.

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SECTION 2.040. Restrictiveness

Where the conditions imposed by a provision of this ordinance **or the Subdivision Ordinance** are less restrictive than comparable conditions imposed by other provisions of this ordinance, **the Subdivision Ordinance** or any other ordinance of the city, or any provisions of state law, the provisions which are more restrictive shall govern.

2. Section 4.020.3 Residential Low Density (R-L)

Purpose of Amendment: To clarify the definition of an accessory residential dwelling unit.

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3. Lot size and width. Except as provided in Sections 5.090 and 7.010, the minimum lot size and width in an R-L zone shall be as follows:
 - a. The minimum lot areas shall be:
 - (i) R-L-A 6,000 square feet
 - (ii) R-L-B 8,500 square feet
 - (iii) R-L-C 20,000 square feet
 - (iv) Accessory Residential Unit: shall not exceed one per single-family unit; **may either be part of the primary residence, existing garage, accessory building, or a separate, detached structure;** maximum size is 1,000 square feet or no more than 50% of the gross floor area of the primary residence, **whichever is less;** at least one unit shall be owner occupied; each accessory unit shall have one (1) additional off-street parking space; the primary heat source shall be electric or gas, not wood; existing accessory units will not be "grandfathered"; but, can be legalized by applying for a Conditional Use Permit.

3. Section 4.310 [Planned Unit Development (PUD)]

Purpose of Amendments: To update Section 4.310 with corrected references and citations.

Page 62, Section 4.310.1.b

- b. P.U.D.s involving the development without land division or condominium on property whose nature and/or location have been determined by designation in the Comprehensive Plan and/or Zoning map (**Flood Zone, Slope, Wetland, etc.**) to be of a sensitive nature with an acknowledged potential for adverse impacts on surrounding properties or uses, either directly adjacent or in the general vicinity, and/or on the community in general. The process in this instance is substantively a special site review with public hearing.

Page 65-66, Section 4.310.3

3. P.U.D. Preliminary Development Plan Application and Approval
 - b. The PUD preliminary development plan shall consist of the following: ...

Site Plan and Supporting Maps

- (ix) A preliminary subdivision or partition plan if the land is to be divided, including all information required for the filing of a preliminary subdivision or partition plan as specified in ~~Ordinance No. 290, the~~ Subdivision **Ordinance** and ~~Partition Regulations and Procedures.~~

Page 66, Section 4.310.4

4. The approving authority shall approve the PUD preliminary development plan if it finds:
 - a. The proposed PUD is consistent with applicable Comprehensive Plan goals, policies and map designations, and with the purpose **statement** set forth in Section 4.310 of this Ordinance.
 - b. The preliminary development plan meets the development standards of Section 4.310, **6 to 4.310.16** of this Ordinance.
 - c. If the preliminary development plan provides for phased development, pursuant to Sections 15 of this Ordinance **Section 4.310**, that each phase meets the standards of Section 15, **c**, and that the applicant has the capability to obtain final development plan approval in the time limits imposed.

- d. Exceptions from the standards of the underlying zone district or from the quantitative requirements of ~~Ordinance No. 290, the~~ **Subdivision and Partitions Ordinance**, are warranted by amenities and other design features of the PUD furthering the purpose **statement** of Section 4.310 of this Ordinance.
- e. Any conditions or modifications imposed by the approving authority in the preliminary development plan approval are necessary to meet the requirements of Section 5 to 44 **25**, to further the purposes **statement in** of Section 4.310 of this Ordinance, or to comply with the Comprehensive Plan.

Page 66, Section 4.310.5

- 5. Section 4.310.5. Standards and Criteria for PUD Development in Non-Residential Districts. PUDs in non-residential districts shall be developed to standards applied by the approving authority pursuant to **the purpose statement in** Section 4.310 and 4.310.1 of this Ordinance.

Page 67, Section 4.310.6

- 6. Section 4.310.6. Standards and Criteria for PUD Development in Residential Districts. A PUD must meet the development standards of this subsection and those applied in conditions of approval pursuant to Section 4.310.1 of this Ordinance.
 - a. **Minimum Site Size**. A parcel to be developed as a PUD in any residential district shall be of such a size that at least four (4) dwelling units would be permitted by the underlying district.
 - b. Section 4.310.7. **b. Permitted Uses**. The following uses are permitted subject to the general standards of the Planned Unit Development section of this Ordinance:
 - i. Section 4.310.**b.i. a- Residential Uses**. Single-family dwellings, duplexes, mobile homes conforming to the standards established in Section ~~5.300~~ **5.070 or 5.200** of this Ordinance, multi-family dwellings, including townhouses, row houses, apartments and condominiums and accessory buildings such as garages, storerooms, woodsheds, hobby shops, laundries, playhouses, or similar and related uses may be permitted.
 - ii. Section **4.310.b.ii. b- Commercial Uses**. Retail commercial uses may be permitted in a P.U.D. if the approving authority determines that they are designed to serve primarily the residents of the P.U.D. The approving authority may require

that the applicant submit a market analysis demonstrating that the amount of land proposed for commercial use is needed for, and realistically can be supported, commercial use by the residents of the P.U.D.

- iii. Section **4.310.b.iii.** ~~e.~~ Other Uses. If designed to serve primarily the residents of a PUD, the following uses may be permitted. If designed to serve residents of adjacent areas, as well, the following uses may be permitted by the approving authority if it finds that such use is consistent with the purposes **statement** of Section 4.310 of this Ordinance and with the surrounding zone district:
 - (1) Section **4.310.b.iii.(1)** ~~(i)~~ Public and semi-public buildings, including schools, churches, libraries, community centers, fire stations, pump stations and substations.
 - (2) Section **4.310.b.iii.(2)** ~~(ii)~~ Park, playground or golf course.
 - (3) Section **4.310.b.iii.(3)** ~~(iii)~~ Privately-operated kindergartens or day nurseries.

Pages 68-70, Section 4.310.10

10. Building Spacing and Yard Requirements

- a. Subsection 4.310.10.c. Yard Requirements - Attached Dwellings.
Yard requirements for attached dwellings in a PUD shall be as established by the applicable zoning district, except that two single-family dwellings may be attached along one common property line and may also have a garage or carport attached along the same common line, provided the conditions of Section ~~4.350(5)~~ **4.310.10.e. (Zero Property Line Development)** are satisfied.
- b. Subsection 4.310.e Zero Property Line Development
 - i. Section 4.310.10.e.(i) Zero property line **attached** development shall only be permitted in a Planned Unit Development approved pursuant to the provisions and standards set forth in the Planned Unit Development section of this Ordinance.
 - ii. Section 4.310.10.e.(ii) All lots utilizing zero property line **attached development** shall be clearly identified on the

development plan. Once approved, such specified lots shall be considered fixed and shall not be transferable except as provided in Section 25.

- iii. Section 4.310.10.e.(iv).(g). Provision for emergency action by one (1) party in the absence of the other where an immediate threat exists to the property of the former.
- c. Section 4.310.10.f. Special Setbacks. If the approving authority finds it necessary to meet the perimeter design standards of Section 4.350(9) 4.310.14, it may require a special setback from all or a portion of the perimeter of the PUD.

Page 70, Section 4.310.11

11. Open Space

- b. Locations, shapes, sizes and other characteristics of open spaces shall be consistent with their proposed uses and the purpose of the P.U.D. Unless the approving authority requires otherwise to meet the environmental design standards of Section 4.350 ~~(7)~~ 4.310.12, common or public open space shall be distributed equitably throughout the PUD in relation to the dwelling units of the residents they are intended to serve.
- c. Open spaces shall be altered only to the extent necessary for their intended use or as otherwise reasonably necessary to permit development; use and maintenance of the PUD open spaces containing significant landscape features shall be left unimproved, or may be improved to assure protection of the features, subject to the requirements imposed by the approving authority pursuant to Section 4.310.8 or 4.310.12 4.350(6).
- d. The development schedule required by Section 4.310.3.b.iii. 4.330(2)(a)(3) shall provide for coordination of the improvement of open spaces with the construction of other proposed site improvements.

Page 71, Section 4.310.13

13. Traffic Circulation.

The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with

neighboring road systems, buildings and uses. Design of facilities shall be appropriate to the anticipated usage and shall be approved by the ~~Director~~ **Superintendent** of Public works.

Page 72, Section 4.310.14

14. Perimeter Design

- a. Section 4.310.14.b. If topographical or other barriers do not provide reasonable privacy and the mitigation of potential adverse impacts on existing uses adjacent to the development, the approving authority shall require one (1) or more of the following:

Page 73, Section 4.310.16

16. Duration of P.U.D Preliminary Development Plan Approval

- a. Approval of the preliminary development plan shall be valid for twelve (12) months from the date of approval, provided that if an approved preliminary development plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the time limitations of Section 4.310.15.d-4.360(4) of this Ordinance.

Page 73, Section 4.310.18

18. Improvement Procedures

The design and installation of improvements to be dedicated to the public shall conform to the standards of Sections 16 to 18 of the Ordinance No. ~~290~~, the Subdivision Ordinance.

Pages 73-74, Section 4.310.19

19. P.U.D. Final Development Plan Approval

- a. Within twelve (12) months of the date of approval of the preliminary development plan, unless otherwise specified pursuant to Sections 15 and 17 ~~4.360 and 4.380~~ of this Ordinance, the applicant shall submit a final development plan, prepared by an Oregon registered professional engineer, and supporting documents to the City Administrator or his designee.
- b. The final development plan shall include:
 - (i) The site plan and maps submitted pursuant to Section 4.310.3.b ~~4.330(2)~~ in their final, detailed form.

- (ii) The documents submitted pursuant to Section **4.310.3.b** **Written Documents (i) to (vii)** 4.330(2)(a) amended to incorporate any conditions imposed on the preliminary development plan approval.

Page 74, Section 4.310.20

20. Acceptance of Improvements

- a. Before approval of the final development plan, the applicant shall install the essential improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the P.U.D. The applicant may enter into an agreement with the property owners association, if one is incorporated, to construct non-essential improvements after approval of the final development. Such agreement shall specify the time period within which the required improvements will be completed. Such agreement is subject to the approval of the approving authority and shall be accompanied by an assurance as specified in Section **4.310.21** 4.391(4).

Page 75, Section 4.310.21

21. Performance Bond for Non-Essential Improvements

- a. To assure full performance of the improvement agreement, an applicant shall file one of the following, **to be approved by the City Attorney:**
 - (i) A surety bond executed by a surety company authorized to transact business in the State of Oregon ~~on a form~~ approved by the ~~Governing Body~~ **City Attorney**; or,
 - (ii) A cash deposit with the property owners association; ~~or,~~
 - (iii) **Certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the Superintendent of Public Works. The bank certification or letter of assurance shall be approved by the City Attorney.**

22. The Planning Commission shall act on the application for final development plan approval within thirty (30) days and shall approve the final development plan if the Commission finds:
- a. The applicant has submitted all information and documents required pursuant to Sections 4.310.19, 4.310.20 and 4.310.21 ~~4.391(2), (3) and (4)~~; and,
 - b. The final development plan is in substantial compliance with the approved preliminary development plan and any conditions imposed by the approving authority. Substantial compliance means that any differences between the final and preliminary plans are "minor amendments", as defined in Section 4.310.25 ~~4.392(1)~~ of this Ordinance.

25 Amendments To Approved Preliminary and Final Plans

- a. Subsection 4.310.25.a. Definitions.
 - ~~b.(ii).~~ b.(ii). Subsection 4.310.25.a.(ii). ~~b.~~ "Major amendment" is any change which does not meet the definition of a "minor amendment".
 - ~~c.~~ b. A minor amendment to an approved preliminary or final development plan may be approved ministerially by the City Administrator or his designee.
 - ~~d.~~ c. A major amendment to an approved preliminary or final development plan shall be considered a quasi-judicial action, subject to the provisions of Article 11 of this Ordinance.

4. Section 4.400 Steep Slopes Overlay

Purpose of Amendment: Amend Section 4.400 to clarify that the Steep Slopes Overlay zone (SSO) includes any development, land use application or division of land.

SECTION 4.400. Purpose. This Steep Slopes Overlay Zone (SSO) is intended to ensure that any development, land use application, or division (partition or subdivision) on lands of steep or hazardous slopes is done without causing danger to life or property either on, or adjacent to, such development, land use application, or division of land.

1. Designation.

Lands designated with this overlay include areas twenty-five (25) percent or greater slope and areas known to have landslides or unsuitable slopes.

2. Requirements.

Any permit requesting for a building or structure or land use application on land designated as Steep Slopes Overlay Zone shall be accompanied by a written report. Such report shall be done by a licensed engineer or engineering geologist and shall attest to the adequacy of the soils in conjunction with the slope of the proposed building site or development or proposed land use application to support the buildings, structures and accompanying roads, driveways and excavations. The Planning Commission and the City Council shall consider the report and other material when reviewing a permit request in an area zoned Steep Slopes Overlay...

5. Section 5.010 Access

Purpose of Amendments: (1) To add language to Section 5.010 [Access] which provides for lots or parcels to front onto an easement, so as to be consistent with Section 11.C [Creation of Ways] in the Subdivision Ordinance, which provides for the creation of easements; and (2) To duplicate the access requirements listed in the Comprehensive Plan [page 42, Public Facilities Goals & Policies, Goal C, Policies 4-8] to Section 5.010 [Access] of the Zoning Ordinance. These policies were originally part of the Zoning Ordinance and were moved to the Comprehensive Plan in 2006 as part of amendments to the Site Plan Review Standards, and should be added back to provide clarity on access requirements for development.

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Section 5.010 Access. Every lot or parcel shall abut a street, other than an alley, for a width of at least twenty-five (25) feet, unless approved as an easement under Section 11.C [Creation of Ways] of the Subdivision Ordinance.

1. Limit access points to arterial streets from adjoining property to better define and channel traffic movement.
2. Any development for which more than six or more off-street parking spaces are required shall be permitted only if the property fronts on, and is served primarily by, a street having a minimum paved width of twenty-four (24) feet along the entire frontage of the property, and such paved street connects with a collector or arterial street, either directly or via other streets having a minimum paved width of twenty-four (24) feet.
3. Where a property fronts a street which has a minimum of twenty four (24) feet of paving but is not fully improved to City standards, the property owner shall either improve the street, or subject to the City

Administrator's determination, shall record an irrevocable offer to participate in the formation of a Local Improvement District, for the purpose of financing improvements of abutting streets to the minimum standard.

- 4. Access, Parking and Loading. With respect to vehicular and pedestrian ingress, egress and circulation, including walkways, interior drives and parking and loading areas, the location and number of access points for normal and emergency uses, general interior circulation, separation of pedestrian, bicycle and vehicular traffic, and arrangement of parking, loading and service areas and driveways shall be reviewed for safety, convenience and mitigation of potential adverse impacts on neighboring properties, on the operation of public facilities, and on the traffic flows of adjacent and nearby streets.**

6. Section 5.020.1 General Provisions Regarding Accessory Uses

Purpose of Amendment To add language to Section 5.020.1 to clarify the height of fences and walls located in the side yard adjacent to the street.

Page 81

1. In all zones, fences and walls may be located within required yards, but shall not exceed four (4) feet in height in the required front yard **and the side yard adjacent to a street.** No fence or wall shall exceed six (6) feet in height.

7. Section 5.020.4 General Provisions Regarding Accessory Uses

Purpose of Amendment To modify definition of a guest house in Section 5.020.4 and change to "guest accommodations". The term "guest house" implies a more substantial meaning, while no cooking facilities are permitted in such use.

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4. A guest house **accommodation** may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house **accommodation.**

8. Section 5.046 Parking Area Improvements

Purpose of Amendment: To clarify in Section 5.046 that access driveways are required to be surfaced, including to a single family dwelling on a single lot. This clarification is consistent with guidance from Planning Commission and Council regarding desire for improved access driveways for development in the City.

1. Surfacing.
 - a. All parking areas, vehicle maneuvering areas and access driveways, **including to a single family dwelling on a single lot,** shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, brick, or concrete paver blocks.
 - i. In all residential districts, a minimum of two-and-one-half inches asphalt over four inches of aggregate base will be provided or four inches of Portland cement concrete.
 - ii. In all other districts, either three inches asphalt over four inches aggregate base or a single pavement of five inches of Portland cement concrete is required.

9. Section 5.049.5 Development Standards

Purpose of Amendment: To clarify item 2 in Section 5.049.5 [Underground Utilities] and what is considered new development that requires installation of underground utilities.

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SECTION 5.049.5 DEVELOPMENT STANDARDS

2. **Underground Utilities.** All new major development, as defined in this Subsection, shall be served by underground utilities, including, but not limited to, electrical, telephone, cable television and street lighting lines.
 - a. For purpose of this Section, new major development is any new development ~~containing more than 5,000 square feet of gross floor area,~~ either in a single structure or in the sum of all structures constructed on a single lot or parcel, or any enlargement or structural alteration exceeding ~~5,000~~ **1,000** square feet of gross floor area, or any development subject to the requirements of Section 4.310 of this Ordinance and the Subdivision Ordinance.

10. Section 5.049.5 Development Standards

Purpose of Amendment: To add new item 6 to Section 5.049.5 which clarifies that a development or construction project shall provide documentation on compliance with applicable state and federal permits.

SECTION 5.049.5 DEVELOPMENT STANDARDS

6. **State and Federal Permits - Each development or construction project shall provide documentation on how it complies with all applicable state and federal environmental regulations (Examples of permits include but are not limited to: Air Quality, Noise, Non-point pollution control, stormwater, wetland, and fill/removal).**

11. Article 6 Floodplain Development

Purpose of Amendments: To revise Article 6 to bring it up-to-date with new FEMA standards (as part of FEMA's map modernization project for digital floodplain maps) and the applicable State Building Codes. These new revisions will add some new regulations or standards to properties located in the 100 Year Floodplain area. These amendments will be reviewed with FEMA and DLCD to ensure compliance with the applicable standards. Note: some revisions were adopted as part of the City's 2007 legislative amendments. These updates include revising or adding definitions to Section 1.020 Definitions to comply with the revised floodplain standards.

See "Appendix A Amendments to Floodplain Development"

12. Re-submittal Periods for Denied Applications

Purpose of Amendment: To apply a consistent re-submittal period for all land use applications for when they are denied by the Approving Authority. Applies specifically to Conditional Use Permits (Article 7), Variances (Article 8), and Development Approval Standards (Article 11). Also, to remove reference to specific application fee for Conditional Use Permits.

SECTION 7.010.3 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

3. The City Administrator shall approve, deny or return the request for revising, if the conditional use request requires further review and study. Denied applications cannot be resubmitted within ~~six~~ **twelve (6) (12)** months after date of denial, **unless documentation or evidence is provided, which demonstrates the applicant has mitigated or addressed all the points for the basis of denial.**

SECTION 7.030. Procedure for Taking Action on a Conditional Use Application. A property owner may initiate a request for a conditional use by filing an application with the administrator, using the procedures and forms prescribed pursuant to Section 11.070, Applications, and paying a seventy-five dollar (\$75.00) nonrefundable filing fee.

SECTION 8.030. Procedure for Taking Action on a Variance Application. The property owner may initiate a request for a variance by filing an application with the Administrator, using the procedure and forms prescribed pursuant to Section 11.070, Applications, and paying a nonrefundable filing fee.

A variance may be approved or denied if the application is not tabled for further review and study. Denied applications cannot be resubmitted within six ~~twelve~~ (6) **(12)** months after date of denial, **unless documentation or evidence is provided, which demonstrates the applicant has mitigated or addressed all the points for the basis of denial.**

SECTION 11.065 APPLICATION

4. Review - Approval or denial for an application shall be based upon the comprehensive plan and standards and criteria that were applicable for that land use regulation at the time the application was first submitted.
 - a. **Denied applications cannot be resubmitted within twelve (12) months after the date of the final order on the action denying the application, unless documentation or evidence is provided, which demonstrates the applicant has mitigated or addressed all the points for the basis of denial.**

13. Time Limit and Authorization on Conditional Use Permits & Variances

Purpose of Amendment: To clarify the time limit for authorization of a Conditional Use Permit or a Variance also includes completion of any conditions of approval. Not all conditional uses or variances require substantial construction to final approval. Affects Section 7.040 and 8.040 of the Zoning Ordinance. This change recommended by City Administrator

SECTION 7.040. Time Limit on a Permit for a Conditional Use. Authorization of a conditional use shall be void after one (1) year or such lesser time as the authorization may specify unless substantial construction **or conditions of approval** pursuant thereto has taken place. Substantial construction shall mean construction of the permanent, main building structure beyond the stage of exterior walls and roof to such a degree that the estimated value of the structure exceeds 75% of the estimated building value as determined for construction permit purposes. On request, authorization may be extended for an additional period not to exceed one (1) year.

SECTION 8.040. Time Limit on a Permit Variance. Authorization of a variance shall be void after one (1) year unless substantial construction **or conditions of approval** pursuant thereto has taken place. On request, the variance authorization period may be extended up to one (1) year.

14. Section 11.300.2 Appeals of City Administrator Decision

Purpose of Amendment: To clarify who can appeal an administrative decision. The new language will comply with ORS 227.175.

2. Any party **person or entity who would have been entitled to notice, or a person who is adversely affected or aggrieved by the City Administrator decision,** may **file a timely written statement to** appeal a decision of the City Administrator relative to an administrative action. In the conduct of an appeal hearing, the Planning Commission shall establish that the appellant is qualified as a party as defined by this ordinance, or the appeal shall not be heard and the contested decision shall become final.

15. Section 11.320.5 Review by the City Council

Purpose of Amendment: To delete the word "entire" from first sentence. This change was recommended by the City Attorney.

5. Only those members of the City Council reviewing the ~~entire~~ record may act on the matter reviewed. The agreement of a majority of those reviewing is necessary to amend, reverse or remand the action of the Planning Commission. Upon failure of a majority of those reviewing to agree, the decision of the Planning Commission shall stand.

**SUBDIVISION
ORDINANCE
AMENDMENTS**

Subdivision Ordinance Amendments

1. Section 2 Scope of Regulations

Purpose of Amendment: To clarify that both the Zoning and Subdivision Ordinances apply to a division of land.

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SECTION 2. Scope of Regulations

A. All tentative plans, subdivision plats, partition maps and all streets or ways created for the purpose of partitioning land shall be approved by the Planning Commission or City Council in accordance with these **the City Subdivision and Zoning** regulations. A person desiring to subdivide land, desiring to partition land, or desiring to sell any portion of land within a planning control area, shall submit preliminary plans and final documents for approval, as provided in this ordinance and State Law.

2. Section 4.E.(3) Information Required...Hazardous Areas

Purpose of Amendment: To clarify that the requirements of the Steep Slope Overlay also apply to hazardous areas defined in the Subdivision Ordinance.

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Section 4.E.(3) Where development is proposed in an area of potential slope or soil hazards, the tentative plan shall be accompanied by an analysis by a qualified, licensed civil engineer stating whether or not each proposed lot is stable and suitable for its intended use, and any conditions necessary to insure that each lot is stable and suitable for its intended use.

- (a) If a development is located within the Steep Slope Overlay, the requirements of that section shall also apply. Where regulations are found to be similar, the more restrictive shall apply.**

3. Section 3.D. Applications...Review

Purpose of Amendment: To add language which clarifies the re-submittal period for land use applications when they are denied by the Approving Authority.

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Section 3.D. Review - Approval or denial for an application shall be based upon the comprehensive plan and the standards and criteria that were applicable at the time the application was first submitted. **Denied applications cannot be resubmitted within twelve (12) months after the date of the final order on the action denying the application, unless documentation or evidence is provided, which demonstrates the applicant has mitigated or addressed all the points for the basis of denial.**

4. Section 6.B Final Plat ... Granting of Extensions

Purpose of Amendment: To (1) remove requirement to provide copy of City's Administrator extension decision to the Planning Commission; and (2) to add language that performance securities or bonding, under Section 20 of Subdivision Ordinance, must also be renewed or extended when a land use application is extended, so that the length of performance securities or bonding will match the length of extended approval period. This change recommended by the City Administrator to help clarify the approval periods for bonding.

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B. Granting of Extensions.

(1) An applicant may request an extension of a tentative plan approval, or, if the tentative plan provides for phased development, an extension of tentative approval with respect to the phase the applicant is then developing. Requests for extension of any land use approval shall be submitted to the City Administrator for consideration. Such request shall be considered an application, and shall be submitted in writing, stating the reason why an extension should be granted. ~~A copy of the City Administrator's extension decision shall be provided to the Planning Commission.~~

(2) The City Administrator may grant an extension of up to twelve (12) months of a tentative plan approval, or if the tentative plan provides for phased development, an extension of up to twelve (12) months of a tentative plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.

Further extensions of up to one year each may be granted by the City Administrator if extraordinary circumstances are shown by the applicant. ~~A copy of the City Administrator's extension decision shall be provided to the Planning Commission.~~ **If the tentative plan is subject to Security under Section 20 to assure the developer's full and faithful performance of required improvements, then the approved security must also be renewed or extended to equal the extended approval period of the tentative plan.**

5. Section 7.C Submission of Final Plat

Purpose of Amendments: (1) To modify Section 7.C., 1st paragraph, and delete "city engineer" and replace with "city administrator". This change will be consistent with Section 6.D.(15) for list of required signatures on a final plat. (2) To modify Section 7.C., 2nd paragraph, to allow for City Administrator to determine that the final plat and supplemental information conforms to the approved tentative plan. This change would

be consistent with similar changes made to this section with the 2007 legislative amendments. This change was apparently overlooked.

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- C. Planning Commission Approval. Approval of the plat shall be indicated by the signatures of the chairperson of the Planning Commission, Mayor, ~~City Engineer~~ **City Administrator**, and, as required by ORS 92.100, by the County Surveyor. Any offers of dedication shall be referred by the City Administrator to the City Council for acceptance.

If the City Engineer and/or County Surveyor determine that the final plat and supplementary information are in full conformance with the approved tentative plan and City standards and specifications, the City Administrator shall be so advised. If the final plat or supplemental information are not, in the judgment of the City Engineer or County Surveyor, in full conformance, the City Engineer shall return the plat or supplemental information to the applicant, stating the reason the plat or supplemental information does not conform to the tentative plan, City standards, or City specifications. The City Administrator, in its review of the plat and supplemental information, shall examine the plat and supplemental information for conformance with the approval of the tentative plan. If the ~~Planning Commission~~ **City Administrator** finds the plat and supplemental information conform to the tentative plan as approved, the chairperson of the Planning Commission shall sign the plat and forward it to the City Council for review of any offers of dedication.

6. Section 11.K Cul-de-sacs

Purpose of Amendment: To add language for minimum standards required for circular turn-around, as specified on page 79 of the Winston Transportation System Plan.

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- K. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall in no event be more than 300 feet long. All cul-de-sacs shall terminate with a circular turn-around **with a minimum radius of fifty (50) feet.**

7. Table D of Subdivision Ordinance – Minimum Right-of-Way and Roadway Widths

Purpose of Amendments: To add reference to Table D for Cul-de-sac radius standards, including minimum 50 foot radius for right-of-way and 40 foot radius for pavement width, as specified on page 79 of the Winston Transportation System Plan.

D. Table for Minimum Right-of-Way and Roadway Widths

Right of Way Width	Number of Lanes	Travel Lane Width	Parking Lane	Bike Lane Width	Sidewalk Width	Center Turn Lane	Curb/ Gutter
Illustration 1 – Arterial							
90'	5	12'	No	6'	6' (2)	14' (1)	2' (2)
76'	4	12'	No	6'	6' (2)	No	2' (2)
66'	3	12'	No	6'	6' (2)	14' (1)	2' (2)
Illustration 2 – Major Collector							
68'	2	12'	8' (2)	6'	6' (2)	No	2' (2)
56'	2	12'	8' (2)	No	No	No	2' (2)
44'	2	14'	No	No	6' (2)	No	2' (2)
52'	2	12'	No	6'	6' (2)	No	2' (2)
Illustration 3 – Residential Collector							
64'	2	10'	8' (2)	6'	6' (2)	No	2' (2)
52'	2	10'	8' (2)	No	6' (2)	No	2' (2)
36'	2	10'	No	No	6' (2)	No	2' (2)
48'	2	10'	No	6'	6' (2)	No	2' (2)
Illustration 4 – Residential							
36'	2	10'	No	No	6' (2)	No	2' (2)
36'	2	10'	No	6'	6' (1)	No	2' (2)
52'	2	10'	8' (2)	No	6' (2)	No	2' (2)
Illustration 5 – Local Access Way							
30'	2	10'	No	No	6' (1)	No	2' (2)
<u>Cul-de-sac Radius Standards</u>							
<u>50'</u>		<u>40' pavement width</u>					

8. Section 20 Security

Purpose of Amendment: (1) To add language that performance securities or bonding, under Section 20 of Subdivision Ordinance, must also be renewed or extended when a land use application is extended under Section 6, so that the length of performance securities or bonding will match the length of extended approval period. This change recommended by the City Administrator to help clarify the approval periods for bonding. (2) To clarify the types of security required under Section 20.

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SECTION 20. Security.

A. Security Required. Where an improvement agreement as specified in Section 19, above, is utilized, security to assure the developer's full and faithful performance shall also be submitted to the City Recorder for City Council review and approval. The security shall be either **one of the following, to be approved by the City:**

(1) A surety bond ~~in a form approved by the City Attorney~~ executed by a surety company authorized to transact business in the State of Oregon **approved by the City Attorney;**

(2) A cash deposit; or

(3) Certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the Superintendent of Public Works. ~~The bank certification or letter of assurance shall be approved by the City Attorney.~~

B. Amount. Such assurance of full and faithful performance shall be for a sum recommended by the Administrator and approved by the City Council as sufficient to cover the cost of the improvements and legal and administrative cost.

C. Failure to Carry Out Agreement. In the event the developer fails to carry out provisions of the agreement or the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement of such costs or to carry out the improvements. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land divider shall be liable to the City for the difference.

D. **If the tentative plan that is subject to Security under this section is granted an extension under Section 6 of this Ordinance, then the approved security must also be renewed or extended to equal the extended approval period of the tentative plan so as to assure the developer's full and faithful performance of required improvements.**

APPENDIX A

AMENDMENTS TO FLOODPLAIN DEVELOPMENT

APPENDIX A

AMENDMENTS TO FLOODPLAIN DEVELOPMENT

Article 1. Introductory Provisions

Purpose of Amendments: To update or add definitions to comply with revised floodplain regulations from FEMA and the State Building Codes.

Section 1.020 Definitions

AREA OF SHALLOW FLOODING. The area designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

BELOW-GRADE CRAWL SPACE. An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to the construction, alteration or use of buildings **or other structures**, division of land, creation of private or public streets, construction of public and private utilities and facilities, mining, excavation, grading, installation of fill, open storage of materials, or any other activity specifically regulated by the provisions of this Ordinance. Except when in conjunction with other development, installation of less than 3,000 square feet of asphalt or other impervious paving surfaces shall not be included in this definition.

ELEVATED BUILDING. For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing

the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

MANUFACTURED HOME. A structure, transportable in one or more sections, containing sleeping, cooking and plumbing facilities and designed for human occupancy, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. This definition for the purposes of this ordinance is synonymous with "mobile home". "Manufactured home" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450."

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

RECREATIONAL VEHICLE. A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (b)(c) designed to be self-propelled or permanently towable by a light duty truck; and (c)(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

STATE BUILDING CODE. The combined specialty codes.

Article 6. Floodplain Development

Purpose of Amendments: To update, modify or add new provisions to Article 6 to comply with revised floodplain regulations from FEMA and the State Building Codes.

SECTION 6.010. Findings of Fact.

1. **Flood Losses Resulting from Periodic Inundation.** The flood hazard areas of the City of Winston are subject to periodic inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. **General Causes of These Flood Losses.** These flood losses are caused by:
 - a. The cumulative effect of obstructions in areas of special flood hazard causing increases in flood heights and velocities, **and when inadequately anchored, damage uses in other areas.**
 - b. The occupancy of flood hazard areas by uses vulnerable to floods, or hazardous to others, which are inadequately **floodproofed**, elevated or otherwise inadequately protected from flood damage **also contribute to flood loss.**

SECTION 6.020. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize these **public and private** losses **due to flooding in specific areas, as** described in paragraph 1, of Section 6.010, by provisions designed to:

1. ~~Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause increased flood heights or velocities~~ **Protect human life and health;**
2. ~~Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction~~ **Minimize expenditure of public money and costly flood control projects;**
- 4.3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 3.4. ~~Control the alteration of floodplains, stream channels, and natural barriers which help accommodate or channel flood waters~~ **Minimize prolonged business interruptions;**
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

6.7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

7.8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 6.025. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage;

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

6. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.

SECTION 6.030. General Provisions.

1. Lands to Which This Ordinance Applies.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of City of Winston, Oregon.

4.2. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in the scientific and engineering reports entitled "~~Flood Insurance Study for Winston,~~

Oregon," dated ~~September 14, 1974,~~ and "Flood Insurance Study for Douglas County, Oregon, and Unincorporated Areas" dated **February 17, 2010** March 4, 1986, with accompanying Flood Insurance Rate Maps, are hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Studies and Flood Insurance Rate Maps are on file at 201 Douglas Boulevard (City Hall), Winston, Oregon 97496. **The best available information for flood hazard area identification as outlined in Section 6.040, paragraph 3, b, shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 6.040, paragraph 3, b.**

3. PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

2.4. Abrogation and Greater Restrictions.

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

5. Severability.

If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

3.6. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum **requirements** and shall be liberally constructed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes **and rules including the state building code.**

4.7. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for the **regulatory** purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Winston, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

SECTION 6.040. Administration.

1. **Establishment of Development Permit.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 6.030, paragraph 42. The permit shall be for all structures including manufactured homes, as set forth in the "definitions", and for all other development including fill and other activities, also as set forth in the definitions".
2. **Designation of the Administrator.** The **City** Administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.
3. **Duties and Responsibilities of the Administrator.** Duties of the Administrator shall include, but not be limited to:
 - a. **Permit Review:**
 - (i) Review all development permits to determine that the permit requirements **and conditions** of this ordinance have been satisfied.
 - (ii) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 - (iii) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 6.050, paragraph 34, a, are met.
 - b. **Use of Other Base Flood Data (In A Zone).** When base flood elevation data has not been provided (**A Zone**) in accordance with Section 6.030, paragraph 42, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 6.050.
 - c. **Information To Be Obtained and Maintained:**
 - (i) Where base flood elevation data is provided through the Flood Insurance Study, **FIRM**, or required as in Section 6.040, paragraph 3, b, obtain and record the actual elevation (in relation to mean sea level **NGVD 29 or NAVD 88 which ever is applicable**) of the lowest floor (including basements **and below-grade crawlspaces**) of all new or substantially improved

structures, and whether or not the structure contains a basement. This information shall be provided on a FEMA Elevation Certificate form.

(ii) For all new or substantially improved flood-proofed structures **where flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 6.040**, verify and record the actual elevation to which the structure has been floodproofed (in relation to mean sea level **[NGVD 29 or NAVD 88 which ever is applicable]**). The City shall obtain and maintain FEMA floodproofing certifications.

(iii) Maintain for public inspection all records pertaining to the provisions of this ordinance.

d. Alteration of Watercourses:

(i) Notify adjacent communities, the Department of State Lands, and the Department of Land Conservations and Development **and other appropriate state and federal agencies**, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(ii) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions).

4. Appeals. The Planning Commission, as established by the City of Winston, shall hear and decide appeals and requests for variances from the requirements of this ordinance. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

SECTION 6.050. Provisions for Flood Hazard Protection Reduction.

1. General Standards. In all areas of special flood hazards the following standards are required:

a. Anchoring:

(i) All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure.

- (ii) All manufactured homes must likewise be anchored to prevent floatation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or from tied-to-ground anchors.

b. Construction Materials and Methods:

- (i) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (iii) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c. Utilities:

- (i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding **consistent with the Oregon Department of Environmental Quality.**

d. Subdivision Proposals:

- (i) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (ii) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize **or eliminate** flood damage.
- (iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

- (iv) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
 - e. Review of Building Permits: Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 6.040 paragraph 3,b), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate **the lowest floor** at least two (2) feet above grade in these zones may result in higher insurance rates.
2. Specific Standards. In all areas of special flood hazards where the base flood elevation data has been provided as set forth in section 6.030, paragraph 42, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 6.040, paragraph 3, b, USE OF OTHER BASE FLOOD DATA (In A Zone), the following provisions are required:
- a. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, **including basement**, elevated to **a minimum of**~~not less than~~ one (1) foot above the base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding **are prohibited, or** shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (iv) An attached garage where the garage slab is below the base flood elevation is considered an enclosed area and is also subject to the flood vent requirements.

- b. **Non-residential Construction:** New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, **including basement,** elevated to no less than one (1) foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
- (i) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - (iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official ~~as~~ set forth in Section 6.040.
 - (iv) Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 6.050 paragraph 1, e or 2, a.
 - (v) Applicants flood-proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated one (1) foot below that level).
- c. **Recreational Vehicles.** All recreational vehicles placed within the floodplain shall be either:
- (i) On the site for fewer than 180 consecutive days, or
 - (ii) Be fully licensed and ready for highway use, on **its** wheels or jacking system, **is** ~~and~~ attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- d. **Manufactured Homes.**
- (1) All manufactured homes to be placed or substantially improved on sites:**
- (i) Outside of a manufactured home park or subdivision,**
 - (ii) In a new manufactured home park or subdivision,**

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum 18 inches above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

(2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community’s FIRM that are not subject to the above manufactured home provisions be elevated so that either:

(i) The finished floor of the manufactured home is elevated to a minimum of 18 inches above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

e. Below-grade crawl spaces.

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:

(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section (2) below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect

or professional engineer. Other types of foundations are recommended for these areas.

- (2) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- (3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- (4) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- (5) The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- (6) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- (7) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

(8) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

3. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

3.4. Floodways. Located within areas of special flood hazard established in Section 6.030**050**, paragraph 1, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a. Except as provided in paragraph c., pProhibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b.a.—If Section 6.030**050**, paragraph 4., a., is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 6.050, PROVISIONS FOR FLOOD HAZARD REDUCTION.

c. **Projects for stream habitat restoration may be permitted in the floodway provided the projects have been approved by the U.S. Army Corps of Engineers, Oregon Department of State Lands, or the Oregon Department of Fish and Wildlife, as appropriate.**

d. **New installation of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:**

(i) If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original

installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or

(ii) A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria

1. As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
2. The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches above the BFE as identified on the Flood Insurance Rate Map;
3. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;
4. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;
5. The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and
6. Any other requirements deemed necessary by the authority having jurisdiction.



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October 14, 2009

STAFF REPORT

TO: Winston City Council

THROUGH: David Van Dermark, City Administrator

FROM: Lisa Hawley, Community Services Planner

RE: Public Hearing on 2009 Legislative Amendments

On October 19, 2009, the City Council will conduct a public hearing to consider recommendations from the Winston Planning Commission on the adoption of proposed legislative amendments to the City of Winston Zoning and Subdivision Ordinances. The City Council will accept public testimony on the proposed amendments at the public hearing, and then will close the hearing and render a decision on the matter.

As part of this process, the Planning Commission has held workshops on May 13, 2009, June 10, 2009 and July 8, 2009 to review and discuss various items to be included in the amendments. The Planning Commission conducted a public hearing on the proposed amendments on September 9, 2009 and moved to forward a recommendation to the City Council of adoption of the proposed amendments.

On October 9, 2009, the City Council conducted a workshop to review and discuss the proposed amendments. Based on that discussion, the Council made minor revisions to several of the amendments. These revisions: (1) modified the definition of Accessory Residential Dwelling Unit to clarify that the dwelling unit can either be attached or detached; (2) clarified the performance bonding mechanisms (security) for planned unit developments and land divisions; (3) clarified the provision for guest accommodation; and (4) clarified the re-submittal period for denied applications.

Pursuant to ORS 197.610 and OAR Chapter 660, Division 18, Notice of Proposed Amendment was mailed to the Department of Land Conservation and Development (DLCD) on July 22, 2009, which was at least 45 days prior to the public hearing on September 9, 2009.

Notice of the proposed legislative amendments was sent to interested individuals, agencies and utility providers on August 19, 2009.

A legal notice of public hearing on the proposed legislative amendments was posted in *The News Review* on August 20, 2009 for the Planning Commission meeting on September 9, 2009. A legal notice of the public hearing before City Council was also posted in *The News Review* on October 9, 2009 for the City Council meeting on October 19, 2009.

October 14, 2009

On September 17, 2009, notice of the public hearing on the proposed land use regulations was mailed to owners of property located within the city limits of Winston. In accordance with ORS 227.186, this notice [commonly known as Ballot Measure 56 Notice] was provided at least 30 days prior to City Council's first reading on the proposed ordinance for the legislative amendments.

To date, we have received only one written comment on the proposed amendments. Stephen Lucker, DLCD Floodplain/Natural Hazards Mapping Specialist, provided comments on the proposed floodplain amendments and offered some suggested corrections or clarifications. The City is required to have the proposed floodplain changes adopted and implemented by February 17, 2010. The City is on schedule for the adoption process.

Attached is a summary of the proposed amendments as well as a fourth draft of the proposed amendments. The changes to the proposed amendments are based upon the Council discussion at the recent City Council workshop.

ALTERNATIVES

Alternative No. 1

The City Council approves the proposed legislative amendments to the Winston Zoning Ordinance and Winston Subdivision Ordinance, with the first reading of the adopting City Ordinance No. _____ scheduled for the next regular meeting on November 2, 2009.

Alternative No. 2

The City Council approves the proposed legislative amendments to the Winston Zoning Ordinance and Winston Subdivision Ordinance, with modifications or other changes, based on Findings of Fact and/or testimony brought forward through the public hearing process.

Alternative No. 3

The City Council takes no action at this time on the proposed legislative amendments.

Planning Staff recommends the City Council approve the proposed legislative amendments and accept Alternative No. 1.

Attachments

- (1) Summary of proposed amendments
- (2) Fourth draft of proposed amendments, dated October 14, 2009

CITY OF WINSTON
SUMMARY of PROPOSED AMENDMENTS – 2009

**AMENDMENTS TO WINSTON ZONING
& SUBDIVISION ORDINANCES**

OCTOBER 19, 2009

Planning Commission Hearing – September 9, 2009

City Council Hearing – October 19, 2009

City Council 1st Reading – November 2, 2009

City Council 2nd Reading and Adoption – November 16, 2009

SUBJECT	SUMMARY	EFFECT
ZONING ORDINANCE AMENDMENTS		
1. Cross Reference Subdivision & Zoning Ordinances	Adds cross reference to Subdivision Ordinance in Section 2.040 of Zoning Ordinance.	Clarification
2. Accessory Residential Dwelling Units	Clarifies definition of Accessory Residential Dwelling Unit in Section 4.020.3 (RLA zone) that the dwelling unit may either be part of the primary dwelling, existing garage, accessory building, or a separate detached structure, and that the maximum size is 1,000 square feet or no more than 50% of the gross floor area of the primary residence, whichever is less.	Clarification
3. Planned Unit Development Standards	Updates Section 4.310 [Planned Unit Development] with corrected references & citations. Adds third option (certificate or letter of assurance) as bonding mechanism & clarifies City's review process of the bonding mechanisms.	Streamlining
4. Steep Slopes Overlay	Clarifies that the Steep Slopes Overlay includes any development, land use application or division of land.	Clarification
5. Access Standards	Adds language to Section 5.010 [Access] to provide for lots or parcels to front onto an easement, which will be consistent with Section 11.C [Creation of Ways] in Subdivision Ordinance.	Clarification
	Duplicates access requirements listed in Comp. Plan to Section 5.010 of Zoning Ordinance. These policies are being added back to Zoning Ordinance to provide clarity on access requirements for development.	Clarification and New Regulation
6. Height of Fences & Walls	Clarifies in Section 5.020.1 the height of fences & walls located in side yard adjacent to street (which is same height as within the front yard).	Clarification
7. Guest House	Modifies definition of guest house in Section 5.020.4 to state "guest accommodation", which is more consistent with the definition.	Clarification
8. Parking Area Improvements	Clarifies Section 5.046 that access driveways are required to be surfaced, including to a single family dwelling on a single lot. This change is consistent with previous guidance from the Planning Commission and City Council regarding the desire for improved access driveways for development in the City.	Clarification & New Regulation
9. Development Standards [Underground Utilities]	Clarifies Section 5.049.5, item 2 [underground utilities] for new development that requires installation of underground utilities.	Clarification & New Regulation
10. Development Standards [State & Federal Permits]	Adds new item 6 to Section 5.049.5, which clarifies that a development or construction project shall provide documentation on compliance with applicable state and federal permits.	Clarification

11. Floodplain Development	Revises Article 6 [Floodplain Development] to bring it up-to-date with new FEMA standards and the applicable state building codes. These changes are part of FEMA's map modernization project for digital floodplain maps. New revisions will add some new regulations or development standards to properties located in the 100 Year Floodplain area. These updates include revising or adding definitions to Section 1.020 [Definitions] to comply with the revised standards.	New and/or Revised Regulations
12. Re-submittal Period for Denied Applications	Applies a consistent re-submittal period for all land use applications for when they are denied by the Approving Authority. Applies specifically to Conditional Use Permits (Article 7), Variances (Article 8) and Development Approval Standards (Article 11). Also, removes old reference to specific application fee for Conditional Use Permits.	Streamlining
13. Time Limit on Conditional Use Permits & Variances	Clarifies that the time limit for authorization of a Conditional Use Permit or Variance also includes completion of any conditions of approval. This change recommended by the City Administrator.	Streamlining & Clarification
14. Appeals of City Administrator Decision	Clarifies in Section 11.300.2 who can appeal an administrative decision. The new language will comply with ORS 227.175.	Clarification
14. Review by City Council	Deletes the word "entire" from the first sentence about review of record by City Council on appeals. This change recommended by the City Attorney.	Clarification
SUBDIVISION ORDINANCE AMENDMENTS		
1. Scope of Regulations	Clarifies Section 2 that both the Zoning Ordinance and Subdivision Ordinance apply to a division of land.	Clarification
2. Information Required in Hazardous Areas	Clarifies Section 4.E.(3) that the requirements of the Steep Slopes Overlay also apply to hazardous areas defined in the Subdivision Ordinance.	Clarification
3. Review of Applications	Adds language to Section 3.D. which clarifies the re-submittal period for land use applications when they are denied by the Approving Authority.	Streamlining
4. Granting of Extensions	Removes requirement in Section 6.B. for providing copy of City Administrator's extension decision to the Planning Commission. Adds language to Section 6.B. to clarify that performance securities or bonding, under Section 20, must also be extended when a land use application is extended. This change recommended by City Administrator to help clarify the approval periods for bonding.	Streamlining & Clarification
5. Submission of Final Plat	Modifies Section 7.C. to clarify required signatures on a final plat. Also provides for City Administrator to determine that the final plat and supplemental information conforms to the approved tentative plan.	Streamlining
6. & 7. Cul-de-sac Standards	Adds language to Section 11.K [Cul-de-sacs] for minimum standards for a circular turn-around, as specified on Page 79 of the Winston Transportation System Plan, which requires a minimum radius of 50 feet. Also, adds reference to Table D for cul-de-sac radius standards, including minimum right-of-way radius and pavement width radius.	Clarification
8. Security	Adds language to Section 20 to clarify that performance securities or bonding must also be extended when a land use application is extended under Section 6, so the length of security will match length of extended approval period. This change recommended by City Administrator to clarify the approval periods for bonding. Clarifies City's review process for bonding mechanisms (securities).	Streamlining & Clarification



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FROM: Lisa Hawley, Community Services Planner

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SUMMARY of PROPOSED AMENDMENTS – 2009**

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**DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 104 JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470**



**DLCD
ATTN: PLAN AMENDMENT SPEC.
635 CAPITOL STREET NE STE 150
SALEM OR 97301**